

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

Diana Patricia Moreno, as Administrator of
the Estate of Jesus Hernando Patiño Moreno

Plaintiff,

v.

Defendants Does 1-10

Defendants.

Case No. 23-CV-4827

Hon. Nitza I. Quiñones Alejandro
District Judge

**MOTION TO PERMIT
LIMITED EXPEDITED DISCOVERY**

Pursuant to Federal Rule of Civil Procedure 26(d), Plaintiff Diana Patricia Moreno, as putative Administrator of the Estate of Jesus Hernando Patiño Moreno, by and through her undersigned counsel, respectfully moves the Court to permit limited, expedited discovery to obtain the last known address of Defendant Amina Smith. In support of her motion Plaintiff states:

1. This case involves the death of Jesus Patiño. Mr. Patiño died of cancer, which was discovered at an advanced stage when he was a detainee in a correctional facility operated by Philadelphia County and served by several private contractors.
2. Among other things, Plaintiff alleges that months earlier Mr. Patiño had told two personnel at the jail, Evelyn Moore and Amina Smith, that he was suffering from abdominal pain, but they did not attempt to secure medical care as a result.
3. Plaintiff previously submitted a motion for an extension of time to serve Defendants Amina Smith and Evelyn Moore. See ECF 20.
4. Since that time, Plaintiff has been able to serve Ms. Moore.

5. Locating Ms. Smith has been more difficult. So far, Plaintiff has not been able to locate Ms. Smith using public information records.

6. As an alternative, Plaintiff has reached out to counsel for two private medical/mental health contractors at the facility where Mr. Patiño was housed (Corizon and MHM).

7. Plaintiff was able to use this method to serve Ms. Moore.

8. However, counsel for the two contractors has informed Plaintiff's counsel that their clients have been unable to locate Ms. Smith in their employee rosters. Plaintiff received this confirmation from both sets of counsel on May 12, 2024.

9. Given that medical/mental health contractors do not appear to have Ms. Smith on their rosters, Plaintiff believes that Philadelphia County, the governmental unit operating the correctional facility, is likely to have employed Ms. Smith. A subpoena will be required to obtain Ms. Smith's last known address from Philadelphia County.

10. In light of the foregoing, Plaintiff respectfully requests leave, pursuant to Federal Rule of Civil Procedure 26(d), to serve a subpoena to the County of Philadelphia in order to obtain the last known address of Amina Smith.

11. The proposed subpoena seeks production of the last known address of County of Philadelphia contractor and/or employee Amina Smith.

12. Plaintiff respectfully submits that this discovery is reasonably targeted to obtaining the address of Amina Smith, and that said discovery is not disproportionately burdensome, as it is targeted discovery going directly to the allegations made in Plaintiff's complaint. See ECF 1.

WHEREFORE, Plaintiff requests that this Court enter an order pursuant to Rule 26(d) permitting Plaintiff to serve the limited discovery described in this motion.

Dated: May 22, 2024

Respectfully submitted,

/s/ Carla Agbiro
Attorney for Plaintiff
PA Bar # 329472

Carla Agbiro
Jon Loevy*
Stephen Weil*
LOEVY & LOEVY
311 North Aberdeen St., 3rd Floor
Chicago, Illinois 60607
(312) 243-5900
agbiro@loevy.com
**pro hac vice forthcoming*

CERTIFICATE OF SERVICE

I, Carla Agbiro, an attorney, hereby certify that on May 22, 2024, I filed the foregoing Motion to Permit Limited Expedited Discovery using the Court's CM/ECF system, which effected service on all counsel of record.

/s/ Carla Agbiro
One of Plaintiff's Attorneys